

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Phillip Wendell Hogan

Plaintiff,

v.

Case No. 15-10923

Visio Financial Services, Inc.,

Honorable Sean F. Cox
Magistrate Judge David R. Grand

Defendant.

ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

Plaintiff filed this action on March 3, 2015 in Wayne County Circuit Court, alleging several state law causes of action in addition to a claim pursuant to the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2605, all of which stem from the foreclosure of his property located in Detroit, Michigan.

Defendant removed the case to this Court on March 12, 2015. (Notice of Removal, Doc. #1). The Court declined to exercise supplemental jurisdiction over Plaintiff’s state law claims and remanded them back to the Wayne County Circuit Court. (Remand Order, Doc. #5). Shortly thereafter, Defendant filed a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. #7).

On June 2, 2015, Magistrate Judge David R. Grand issued a Report and Recommendation (“R&R”) recommending that the Court grant Defendant’s Motion to Dismiss. (R&R, Doc. #14). Magistrate Judge Grand reasoned that, because Plaintiff seeks only equitable relief, and because equitable relief is not an available form of relief under RESPA and its implementing regulations,

Plaintiff has failed to state a claim upon which relief may be granted. (R&R, Doc. #14 at 3, 4–6).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. FED. R. CIV. P. 72(b)(2). “The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” FED. R. CIV. P. 72(b)(3).

Neither party has filed objections to the R&R and the time for doing so has passed. Furthermore, the Court agrees with the Magistrate Judge’s recommendation. Therefore, the Court hereby ACCEPTS AND ADOPTS the June 2, 2015 R&R. IT IS ORDERED that Defendant’s Motion to Dismiss (Doc. #7) is GRANTED and Plaintiff’s Complaint is hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: June 25, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 25, 2015, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager